

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JENNIFER KILGORE, and SHIRLEY HOWARD
INDIVIDUALLY AND ON BEHALF OF ALL
OTHERS SIMILARLY SITUATED

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 1:25-cv-55-LG-RPM

THE CITY OF MOSS POINT, MAYOR BILLY KNIGHT
AND THE CITY ALDERMEN, EACH IN THEIR OFFICIAL
AND ELECTED CAPACITY AND THE MOSS POINT
CHIEF OF POLICE, IN HIS OFFICIAL CAPACITY,
INTELLISAFE, LLC, JOHN DOES 1-10, AND
ACME COMPANIES 1-10

DEFENDANTS

AMENDED RESPONSE TO MOTION TO DISMISS

COME NOW Plaintiffs Jennifer Kilgore and Shirley Howard,
Individually, and on behalf of all others similarly situated, and
file this their Amended Response to Defendant's Motion to Dismiss
and respectfully show unto the Court as follows:

Plaintiffs file this Amended Response to Motion to Dismiss to
include the proper Certificate of Service. No other changes.

I.

The Plaintiffs' Complaint filed in this cause is sufficient
to establish Article III standing to pursue a class action
against the named Defendants including those affiliated with the
City of Moss Point, Mississippi. The Complaint filed also
adequately states the constitutional claims included therein, a

claim for punitive damages, and allegations of fraud with requisite particularity.

II.

The Plaintiffs submit that no dismissal of the Complaint or claims for relief stated therein is appropriate in the premises. The Plaintiffs will file their Memorandum in Opposition to the Defendants Motion to Dismiss on or before April 3, 2025.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Jennifer Kilgore and Shirley Howard respectfully request that the Court deny the Defendants' Motion to Dismiss as to all particulars.

THIS THE _1st _day of April, 2025.

Respectfully submitted

Jennifer Kilgore and Shirley Howard
Class representatives

___S/DCFUTCH_____

BY: David C. Futch

Attorney for Plaintiffs

DAVID CARSON FUTCH, ESQ.
P.O. BOX 1149
PASCAGOULA, MS 39568
PHONE: (228) 769-8391
FAX: (228) 769-9019
davidcarsonfutch@gmail.com
MSB #99382

Robert O'Dell, OF COUNSEL ___S/R.E.O'DELL_____

P.O. Box 5206 Robert E. O'Dell
228-826-1555 Attorney for Plaintiffs
Vancleave, MS 39565
MSB # 3905
robert7reo@yahoo.com

CERTIFICATE OF SERVICE

I, David Carson Futch, one of the attorneys for the Plaintiffs, do hereby certify that I have this date filed the above foregoing Memorandum in Support of Motion to Oppose Motion to Dismiss, with the Clerk of the Court using the ECF system to notify all counsel.

THIS THE 1st Day of April, 2025.

____S/DCFUTCH____

BY: David C. Futch

Attorney for Plaintiffs

DAVID CARSON FUTCH, ESQ.
P.O. BOX 1149
PASCAGOULA, MS 39568
PHONE: (228) 769-8391
FAX: (228) 769-9019
davidcarsonfutch@gmail.com
MSB #99382

Robert O'Dell, OF COUNSEL
P.O. Box 5206
228-826-1555
Vancleave, MS 39565
MSB # 3905
robert7reo@yahoo.com

____S/R.E.O'DELL____
Robert E. O'Dell
Attorney for Plaintiffs